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NOV 15 2013

Judge James F. Holderman
United States District Court

November 12, 2013

Hon. James F. Holderman
Judge, United States District Court,
Northern District of Illinois
Everett McKinley Dirksen
United States Courthouse
219 South Dearborn Street
Chicago, IL 60604

RE: In re Capital One Telephone Consumer Protection Act Litigation
Case No.: 1:12-cv-10064

Dear Judge Holderman:

As you know, I have been engaged to mediate an MDL case on your docket, *In re Capital One Telephone Consumer Protection Act Litigation*, No. 1:12-cv-10064. I have mediated several similar TCPA class actions over the past few years, many of which have involved counsel for plaintiffs in this case. The parties have held two mediation sessions in San Francisco (July 2, 2013 and November 4, 2013). In my view, substantial progress toward settlement has been made.

The parties have scheduled a third mediation session for January 29, 2014. I am holding a status conference call with all counsel in early December to confirm various informal discovery matters that will advance the likelihood of settlement. Both Plaintiffs and Defendants are working cooperatively and diligently to settle this case, and I am hopeful that a settlement can be achieved at our mediation on January 29, 2014. I believe that a continued stay of proceedings is appropriate.

Please let me know if you require any additional information.

Sincerely,

Edward A. Infante
Mediator